

MEMPHIS CITY COUNCIL  
RULES OF PROCEDURE  
CITY OF MEMPHIS, TENNESSEE

INCLUDING AMENDMENTS OF:

January 10, 1984  
January 17, 1984  
March 20, 1984  
January 2, 1985  
January 21, 1986  
January 6, 1987  
February 17, 1987  
December 8, 1987  
January 26, 1988  
January 10, 1989  
October 6, 1998  
May 15, 2001  
October 21, 2003  
December 2, 2003  
October 3, 2006  
February 6, 2007  
February 20, 2007  
September 18, 2007  
September 9, 2008  
September 23, 2008

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## RULES OF PROCEDURE - COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE

### A. DUTIES OF THE CHAIRMAN (1 through 6b) (amended 9-09-08)

1. The Chairman shall preside at all meetings of the Council.
2. The Chairman shall have general direction of the Council Chamber and shall preserve order. The Sergeant At Arms of the Council shall be under the direct supervision of the Chairman.
3. The Chairman shall decide questions of order, subject to appeal of the council by any member, and shall put each question. The Chairman shall have a vote on all matters.
4. The Chairman shall appoint all committees, unless otherwise directed by the Council, and shall have other powers granted to him/her hereunder. The Chairman shall establish the order of business for any special meeting of the Council.
5. The Chairman shall be elected by a majority vote of the Council Members during the second meeting of November preceding the year he/she shall serve.
  - \*5a. The Vice Chairman shall be elected by a majority vote of the Council Members during the second meeting of the November preceding the year he/she shall serve. In the event the Chairman of the Council becomes incapacitated, the Vice Chairman shall serve as Chairman of the Council and a new member shall be voted in as Vice Chairman for the remainder of the year.
- 6.a The Chairman, through the Council Office Administrator, shall be in charge of the office staff, shall schedule the workload and assume the responsibility of office routing. The Chairman shall be in charge of employment, with notification to Council Members of job openings. Dismissal of Council staff is subject to the approval of the Council in executive session. Members of the Council shall not request personal secretarial work of staff members for other than strictly Council business.
- 6.b The Chairman will be in charge of and accountable for the Council budget that has been approved by the Council during the budget process.

The Chairman will authorize and/or approve all expenditures requested by the Council Members and the staff, including, but not limited to, travel and supplies. The party seeking authorization or approval shall, at the request of the Chairman, submit written substantiation that the expenditure requested is for City business. If the Chairman determines that the expenditure is not for City business, the Chairman will return the request without authorization or approval for payment to the Council Member or staff member.

If the involved Council or staff member disagrees with the Chairman's decision, said Council Member or staff member may appeal to the Council's Personnel, Intergovernmental and Annexation Committee, which will make a recommendation to the entire Council, action of the entire Council shall be conclusive.

If it is determined that an expenditure properly authorized was not for City business, the Chairman and the Council Member who initiated the expenditure will both be equally responsible to make restitution; provided, however, if the substantiating evidence upon which the Chairman relied was incorrect, then the Chairman shall not be liable to make restitution.

If the involved Council or staff member disagrees with the findings, such person may appeal to the Council's Personnel, Intergovernmental and Annexation Committee, which will make a recommendation to the entire Council, and action of the entire Council shall be conclusive.

- B. ORDER OF BUSINESS (7 through 23)
- 7. The meeting shall be called to order.
- 8. Invocation.
- 9. Roll Call.
- 10. Recognition of Visitors, including presentations of Resolutions and Certificates (presentations limited to 10 minutes).
- 11. Minutes of previous meeting approved.
- 12. Comptroller shall call agenda.
- 13. Recommendations and Communications from Mayor and others received and considered.
- 14. Nominations and/or appointments made.
- 15. Passage of ordinances considered in the following manner:  
(Rezoning ordinances excluded)
  - a. First Reading
  - b. Second Reading.
  - c. Third and Final Reading.
- 16. Public hearings required by law (including consideration of ordinances on Third and Final Reading on Zonings).
- 17. Resolutions presented by Divisions in the following order:
  - a. Executive Office.
  - b. Finance and Administration.
  - c. Fire Services.
  - d. General Services.
  - e. Housing and Community Development.
  - f. Human Services.
  - g. Human Resources.
  - h. Planning and Development.
  - i. Police Services
  - j. Public Service.
  - k. Public Works.
  - l. Sanitation Services.

18. Committee reports shall be given consideration and action in the order listed hereinafter (See D, Organization of Council).
19. Recommendations of the Council:
  - a. General Items.
  - b. Discussion Items.
20. Introduction of items on matters by the General Public.
21. Adjournment.



C. PROCEEDINGS IN COUNCIL MEETINGS (22 through 34)

22. Council Members shall have a regularly assigned seat in the Council Chamber. The Chairman will assign the seating at the beginning of each year. Each Council Member shall address the Chairman from his/her appropriate seat, and no Council Member shall be recognized by the Chairman unless he/she be in his/her proper place.
23. Every motion, resolution, or ordinance, must be introduced by a Council Member and seconded by another Council Member. The fact that any Council Member introduces a resolution or ordinance shall not prevent the Council Member from casting a negative vote on said resolution or ordinance. Upon failure of a second, the Chairman shall declare the motion failed for lack of a second and the motion shall not be considered further.
24. All motions shall be subject to debate except the following motions:
  - a. To Adjourn
  - b. To Lay on the Table
  - c. For the Previous Question

provided, however, the proponent of any measure sought to be tabled shall have the right to be heard after the motion To Table is made and before said motion is put to vote. Furthermore, any lights registered and duly acknowledged by the Chairman, after a motion for the previous question has been made, those persons will be allowed to speak but no new lights will be accepted.

25. When any question or motion is under debate in the Council, the following motions only shall be in order and may be entertained by the Chairman.
  - a. To Adjourn.
  - b. To Lay on the Table.
  - c. To the Previous Question.
  - d. To Postpone to a Day Certain.
  - e. To Commit.
  - f. To Amend.
  - g. To Postpone Indefinitely.

Each of said motions shall take precedence in the order set out herein.

26. A roll call vote shall be taken by the Chairman on all ordinances and on all resolutions involving appropriations, real property or funding. All ordinances shall be passed on consecutive, regular meetings; provided, however, that on Third and Final Reading, an ordinance may be postponed by affirmative action of Council from week-to-week or to a day certain. After the Chairman has put a question, or after there has been a roll call vote of the Council, the Chairman shall not entertain a motion until a decision of the Council has been declared by the Chairman.

The chair may call for any other method of voting allowed by Roberts Rules of Order such as voice vote, show of hands or by unanimous consent. In each case, the Comptroller shall reveal how each member voted to the Chairman either verbally or electronically. The result of the vote shall not be final until announced by the Chairman. Any member whose vote was not called may request his or her vote to be recorded at any time prior to the Chairman's announcement of the vote. Any member may change his or her vote at any time prior to the announcement of the vote as long as such change does not change the outcome of the vote.

27. Any Council Member may appeal to the Council from any ruling of the Chairman, and a majority vote of the Council Members present shall decide the appeal.
28. No one other than a Council Member may address the Council, except with the permission of the Chairman, provided that the Chairman's ruling may be appealed to Council in the same manner as any other ruling. Members of the public wishing to address the Council on an agenda item shall sign in with the Sergeant At Arms and will be recognized by the Chairman at the appropriate time. When recognized, this person shall state his or her name and address and shall limit remarks to the specific question under debate. Comment shall be limited to two (2) minutes. Persons may speak on no more than two (2) agenda items.
29. In the case of any disturbance or disorderly conduct in the Council Chamber, the Chairman shall have the power to order same to be cleared.
30. The Council may change the order of business upon majority vote of those present.
31. In the case of public hearings which debate the passage of an ordinance, the Chairman may set time limitations in advance of the hearings; provided, however, that equal time be afforded to those who support such proposals and those who are in opposition. In the case of group opposition or group support, the Chairman may request agreement on a single spokesman for each group.
32. In the case of final readings on Zoning Ordinances, the following procedures shall be followed:
  - a. Office of Planning and Development will provide the Chairman and the

committee chairman of Planning and Zoning a list of cases on the agenda that are non-contested which may be heard prior to any contested cases that may require a lengthy debate and discussion. Each case shall be presented by a member of the staff of the Office of Planning and Development.

- b. The applicant shall be granted a maximum of fifteen (15) minutes for oral presentation. This time limitation may be divided between initial presentation and rebuttal, as long as the total does not exceed the fifteen minutes allotted.
  - c. Spokesman for the opposition shall be granted equal time.
  - d. Discussion between Council Members shall not be interrupted by either the applicants or the opponents, nor by any other members of the public present in the Council Chamber. **The Chairman shall strictly enforce these rules.**
33. Persons seeking to speak during the section reserved for Discussion of Items as Proposed by the General Public shall sign in with the Sergeant At Arms, listing name and subject matter. At the conclusion of the regular business on the agenda, the Chairman will recognize those persons in the proper order of signatures as handed to him by the Sergeant At Arms. Recognition of any person who failed to sign-in will be discouraged, but final decision shall rest with the Chairman. Persons who register to speak during this period will have a maximum of two (2) minutes to speak.
34. If any question shall arise which is not provided for in these Rules, the same shall be governed by Roberts Rules of Order, which is hereby adopted.

D. ORGANIZATION OF COUNCIL (35 and 36) (amended 9-23-08)

35. There shall be the following standing committees which shall be appointed annually by the Chairman:

- a. Budget (CIP)
- b. Budget (Operations and Management)
- c. Economic Development, Tourism and Technology
- d. Public Services, Arts, Youth Initiatives, Libraries and Neighborhoods
- e. Housing and Community Development
- f. Personnel, Intergovernmental and Annexation
- g. Parks and Environment
- h. Planning and Zoning
- i. Public Safety and Homeland Security
- j. Public Works, Transportation and General Services Committee
- k. MLGW
- l. Education
- m. Audit Committee

36. Any proposal or ordinance, other than routine personal resolutions, must be referred by the originator to an appropriate committee for consideration and recommendation. If the originator has an item and he is not sure to which committee it should be referred, he will give it to the Chairman of the Council for assignment. This committee may, if it desires, hold public hearings thereon. In such public hearings, all speakers shall be limited to five minutes, except by special permission of the committee chairman. Equal time shall be afforded to the proponents and opponents of any ordinance or resolution under consideration.

\*36a. Any proposal or resolution presented in committee must contain the name of the originator and co-sponsor (if applicable) in the lower right hand portion of the document immediately following the body of the legislation. Any ordinance presented must contain the name of the originator, co-sponsor (if applicable) and Council Chairman.

E. AGENDA (37 through 43)

37. The agenda of the Council shall be prepared under the direction of the Council Records, with administrative items to be submitted no later than 10:00 a.m. on Thursday, preceding the Council meeting, to the Council Office.

- a. Any matter which has appeared on the agenda and has been acted upon by either a majority vote for approval or rejection, may be brought before the Council for reconsideration upon proper motion of a Council Member and seconding motion by another Council Member.

The only requirements for this action are:

- (1) The Member making the Motion to Reconsider must have voted on the prevailing side of the initial vote. A Member, regardless of how he voted on the Motion to be Reconsidered, may Second the Motion.
- (2) Such Motion to Reconsider must be made prior to approval of the minutes in which the first vote was cast.
- (3) The Motion to Reconsider is not amendable.
- (4) No question can be reconsidered twice unless it was materially amended during its first reconsideration.

Once a matter, either ordinance, resolution, or special permit, has been finally approved or rejected at one meeting, any such item may not be placed on the agenda by either a Member of the Council or the Administration for further consideration until SIX MONTHS (minimum of twelve (12) official weekly meetings) following original consideration of the matter.

- b. All items that have been referred to committee and have been acted upon by that committee shall appear on the agenda with the appropriate committee chairman's name along side. All items not referred to committee shall appear with the Council Member's name who is the sponsor of that item.
- c. Before any item is put on the Council Agenda, with the exception of subdivision approval and acceptance, personal resolutions, i.e., acknowledgment, condolence, commendation, the originator of such item must present it promptly to the appropriate committee. In addition, only four honorary street name changes per council member per four year term will be considered by a Council Committee or placed on a Council agenda. Additionally, not more than 2 name changes are permitted in a year and no name changes will be carried over from term to term. A regular street name change may occur only if a person is deceased.

38. All proposed ordinances, resolutions, motions, and other matters submitted by Council

Members shall be submitted in writing to the Council Office by 10:00 a.m. THURSDAY, except that a Council Member may give notice of an ordinance or resolution and the same shall be considered at TUESDAY meetings if, in fact, the Council Member presents it in writing by the Tuesday meeting. Only items involving extreme emergencies may be added to the agenda after the Thursday, 10:00 a.m. deadline; provided, also, that two or more Members of the Council may voice their objections thereto and said items shall be added to the next regular agenda.

39. All proposals, recommendations and communications submitted by the Mayor or his designated officer shall be in the Council Office by 10:00 a.m., THURSDAY, preceding the Council meeting. All recommendations and proposals not involving resolutions or ordinances shall also be placed on the agenda.

The Council, Mayor and Administrative Staff will review the agenda and discuss any policy questions that are pending or anticipated during Council Executive Session held each Tuesday. During this session, each agenda Item should be discussed; Council Committee and administrative reports shall be received and **appointments to citizen boards shall be interviewed**. If additional time is needed to gather information or study an agenda item, it may be deferred or dropped from the agenda by a majority of the Council present.

40. All other communications required by law to be presented to the Council shall be placed on the agenda.
41. The Council Records staff shall mail to all Council Members and the administration a copy of the agenda before 5:00 p.m., THURSDAY preceding each Council Meeting. A copy of any resolutions or ordinances on the agenda for consideration shall be sent to the Council Office and mailed to each member of the appropriate committee, along with the agenda. Any Council Member may request the Council Office to allow him to pick up a copy of the agenda, resolutions, and ordinances in lieu of mailing same to him/her.
42. The Council staff shall make such agenda available to the public and to the press by mailing time each Thursday.
43. Resolutions and ordinances on first and second reading, which appear to be noncontroversial, may be placed on a "Consent Agenda." All items on the Consent Agenda may be read cumulatively and adopted by one vote, provided, however, an objection by any one Member of the Council will cause an item to be removed from the Consent Agenda and handled in the normal manner. The Consent agenda is to be made and distributed at the same time as the regular weekly agenda.

Resolutions and ordinances on first and second reading, prepared for fiscal matters and routine appropriation of funds on items previously budgeted or allocated for specific projects, up to amounts of \$25,000, may be placed under a caption "Fiscal Consent Agenda", be read cumulatively and adopted by one roll call vote, provided, however, any objection by any one Member of the Council will cause an item to be removed from the Fiscal Consent Agenda and handled in the normal manner. Items above \$25,000, where no objection is voiced, may be added at Executive Sessions and be considered

with other Fiscal Consent items. The Fiscal Consent Agenda is to be made a part of and distributed at the same time as the regular weekly agenda.

F. CODE OF ETHICS (44 through 47)

44. Meetings of the Council: Members of the Council are expected to be prompt in their attendance of official meetings, including those held in joint session with the Shelby County Commission. Such meetings shall be conducted in an orderly manner and according to the Rules of Procedure as adopted by this Council pursuant to Article 7, Section 44, of the Charter of the City of Memphis, as quoted below:

“It shall require a majority of the Members of the Council to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and can adopt such measures as are necessary to compel the attendance of absent Members. The Council may determine the rules for its procedure and may prescribe the punishment for its Members for non-attendance or disorderly conduct, and shall have the power to enforce same.”

45. Conduct of individual Members during meetings of the Council is expected to reflect a total sense of respect for the office held by those assembled to conduct business. Members shall be courteous to one another, to any member of the administrative staff, as well as persons who may address the Council. A Member may not speak until recognized by the Chairman and **shall not be recognized the second time on the same subject** until all members who wish to speak have had an opportunity to do so. Any disorderly conduct shall be noted by the Chairman.

46. General Conduct: Members of the Council are advised of the following provision of the Home Rule Amendment:

“Neither the Council nor any Member thereof shall give orders directly to the Mayor’s subordinates or otherwise interfere with the operation of the administrative departments through such means as directing or requesting the appointment or removal of any of the Mayor’s subordinates, or by suggesting or promoting the making of particular purchases from, or contract with, any specific organization, or by applying for special services not available to all citizens. The office of any Council Member violating any provision of this section shall immediately become vacant upon his conviction of such type of misconduct in a court of competent jurisdiction.

“The Council shall have full power and authority to adopt the rules and regulations pertaining to the conduct of the Council, including the power to issue subpoenas and administer oaths, as now provided for the Board of Commissioners.”

47. In order to implement these procedures, the Chairman shall appoint a special three-member committee designated as a COMMITTEE OF ETHICS. Its function shall be to receive, consider and investigate any written charges presented by a Council Member preferred against any Member of the Council wherein said Member of the Council is alleged to have been guilty of misfeasance, malfeasance, or any felony or misdemeanor involving moral turpitude. This shall include written complaints that may be filed concerning ethical conduct of any Member of the Council, such as conduct alleged to be



in violation of the Oath of Office as sworn to by each Member of the Council, including the specific Charter references cited above. The Committee shall report to the full Council as to its findings and recommendations in any such case filed.

Censure of any Member of the Council would require nine (9) votes. Recommendations of this Committee may include referral to the Shelby County Attorney General and/or U.S. Attorney General, and findings deemed appropriate for further investigation by proper offices.

G. OTHER MEETINGS OF THE COUNCIL (48 through 51)

48. The Council meets in official session at 3:30 p.m. the first and third Tuesday of each month unless otherwise notified, in the Council Chamber, with an Executive Session beginning 30 minutes prior to the official session.
49. Special called meetings must follow official procedures as directed by the Chairman.
50. The Chairman of the Council may call a meeting of the Council, upon reasonable notice, for discussion purposes or consideration of any item the Chairman deems pertinent, but such meeting shall not be considered official, nor can any official or binding action be taken by the Council at any such meeting. As many as seven (7) Members of the Council may petition the Chairman to call such a meeting of the Council, provided, however, that the same restrictions as the official action shall apply.
51. No rule(s) of the Council's Rules of Procedure may be changed without receiving an affirmative constitutional majority. A constitutional majority is defined to be a majority of the number of Members to which the Council is entitled; currently seven (7).

Notice of a proposed rule change must be communicated in writing, to each Council Member at least seven days prior to consideration by the Council. Said notice shall state the general nature of the proposed rule and the date on which the sponsor intends to present the proposal to the Council.

These Rules may be amended at any time by a majority vote of the Council.

## H. TRAVEL POLICY

52. The City Council hereby adopts the official City of Memphis Travel Policy as a guideline for definition of allowable travel expense and limitation, and for the Chairman's use in considering approval or disapproval of the type and amount of travel expenditure requests for which individual Members seek advance payment of post-travel reimbursement. Said Travel Policy as it relates to Council Members may be amended by majority vote of Council.

All Members of the City Council shall request out-of-city travel and/or reimbursement from the Chairman of the Council, who will approve or disapprove said request after expeditious review, and said review and determination shall be based on whether or not said travel is judged to be in the best interest of the City of Memphis. Any travel approved by the chairman of the City Council, for either himself or another council member, is only valid during the calendar year of the chairman's tenure. All persons seeking approval for travel must receive authorization in writing from the chairman of the Council prior to the initiation of travel plans by the City Council staff. In the event the Council Chairman disapproves a Member's travel request, said Member may appeal the Chairman's decision to the Council's Personnel, Intergovernmental and Annexation Committee which may, by majority vote of the Committee's membership, recommend to the full Council to uphold the Chairman's decision or approve the travel requested.

## 53. AMENDMENT

Council Members shall be responsible for prompt notification of their inability to attend a conference or a meeting which requires pre-registration. In the event a registration fee has been made which is not refundable, Council Members shall be required to reimburse the City for that portion of the fee which is non-refundable.

The Council Chairman shall have the ability to waive this requirement upon justification of the circumstances which require cancellation. In the event the Council Chairman disapproves a Member's waiver request, said Member may appeal the Chairman's decision to the Council's Personnel, Intergovernmental and Annexation Committee's membership and recommend to the full Council, either to uphold the Chairman's decision or to waive the reimbursement.

#### 54. FILLING A VACANCY (approved 9-18-07)

Upon notification of a vacancy on the Council, the Chairman shall request written nominations from Council members of a qualified individual(s) they would like considered for the position. Additionally, the public may nominate candidates and interested candidates may personally submit a letter indicating their interest in the vacant seat. The name, address and birthdate of all candidates should be included in the nominating letter. Interested candidates will also be asked to provide proof of residency as described by the City of Memphis Human Resources Division. The candidates will be certified by the Shelby County Election Commission. Required documents for Proof of Residency shall be at least one (1) of the following: valid Tennessee drivers license or state identification; Tennessee vehicle registration; current Memphis Light Gas & Water bill (within previous 30 days), and at least two (2) of the following: mortgage papers or lease agreement in candidate's or spouse's name; address section of federal tax return or tax bill for residence; recent bank or credit union statement in candidate's or spouse's name (within previous 30 days); voter registration card.

Signatures of twenty-five (25) registered voters residing in the Council district in which the vacancy exists shall be obtained. Said signatures and proof of residency shall be submitted to the Shelby County Election Commission on a form which includes a sworn, affirmative statement regarding the residency of the candidate by noon on the Thursday preceding the Tuesday meeting when the Council shall fill the vacancy.

During the Regular Meeting of the Council, all nominees will be given an opportunity to deliver a speech, may be questioned by the Council, and will be voted on at the same time. A roll call vote shall be taken with each Council member indicating the name of their choice to fill the vacant seat. Voting will begin with the Council person whose name appears first on the voting board. With each successive round of voting, the person who voted first in the previous round will vote last.

The Deputy Comptroller will tabulate the votes and inform the Chairman of the vote count for each nominee at the conclusion of each round of voting. The procedures in the initial round will be repeated as many times as necessary until a nominee garners seven (7) votes. Beginning at the second round of voting, a nominee receiving less than two (2) votes will be dropped from the list of nominees. After three (3) rounds of voting, the Chairman may accept a motion to consider the top two (2) vote-getters.

The Chairman will have the discretion to establish time limits for voting when an impasse seems likely and to table voting to the next meeting so as to not disrupt and delay normal Council business.